

REMARKS

Claims 1-23 are pending in the application.

Claims 10-12 previously withdrawn from consideration are canceled.

Claims 1-9 are rejected.

Rejections Under 35 USC 102

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 3,732,934 to Brandenburg. Applicant amends independent claim 1 to more particularly point out the Applicant's invention.

The Examiner purports that the Brandenburg '934 patent discloses a torque limiting device (restrictor 56) comprising at least one valve (28), which is a diaphragm used as a valve, configured and capable of shutting-off fluid flow to a motor (10). In contrast, the applicant's claim 1 as amended requires the pressure regulator to have a slidable valve NOT a diaphragm that is not slidable. Furthermore, claim 1 requires that the slidable valves be biased against movement by a spring.

The '934 patent teaches at col. 4, ln. 9 that:

As illustrated schematically in FIG. 1, the area against which the pressure from conduit 48 is exerted against diaphragm 46 is less than the area of the pressure signal exerted against the opposite side of the diaphragm 46 via conduit 38. Also, the manual restrictor valve 23 causes pressure in conduit 48 to be less than pressure in conduit 14, although restrictor 34 causes pressure to be effectively reduced in conduit 38. Normally, upon initial actuation of trigger mechanism 22, force via chamber 44 exceeds force via chamber 47. When the force against the lower side of the diaphragm 46 exceeds the force against the upper side of that diaphragm 46, a change in the sign of the algebraic sum of the signals or forces in the second valve means occurs. Then, the second valve means 40 will switch. Fluid will then flow through the conduit 48 past a seat 49 and then through output conduit 50 of the second valve means 40. (Emphasis added)

The instant invention claims a slidably movable valve that is spring biased, NOT the pressure controlled diaphragm as clearly disclosed by the '934 patent. A diaphragm as disclosed in the

'934 patent is NOT equivalent to a slidable valve having a spring bias. A spring has stored energy that can restore the valve to an initial resetting position immediately, whereas the diaphragm is structurally different and behaves differently than the applicant's claimed invention.

Claims 1-9 of the application are not anticipated by the '934 patent, which fails to teach each and every element of the invention. The teaching of a diaphragm in the '934 patent is not equivalent to or inherently the same as a spring biased valve and therefore a prima facie case of anticipation can not be maintained. The applicant respectfully requests reconsideration and removal of the rejection of claims 1-9 and allowance of the application.

CONCLUSION

Based on the preceding amendments, Applicant respectfully submits that claims 1-9 and the entire application meet the acceptance criteria for allowance and therefore request favorable action. A one-month extension of time for response is enclosed and if payment is required it may be charged to the deposit account. If the Examiner believes anything further would be helpful to place the application in better condition for allowance, Applicant invites Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 19-0513.

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Respectfully submitted,

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